



# RULE-MAKING ORDER

**CR-103E (May 2009)**  
(Implements RCW 34.05.360)

**Agency:** Growth Management Hearings Board

**Emergency Rule Only**

**Effective date of rule:**

**Emergency Rules**

☐ Immediately upon filing.

XX Later (specify) September 7, 2010

**Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?**

XX Yes      No      If Yes, explain: RCW 34.05.350(2) permits adoption of similar emergency rules so long as permanent rulemaking is underway. WSR 10-15-012 and 10-15-013 denote the permanent adoption process.

**Purpose:**

A CR-103E was filed with the Code Reviser's Office on May 11, 2010 and published in WSR 10-11-028. This provided for the emergency enactment of various amendments to the Rules of Practice and Procedures (WAC 242-02) and Public Records (WAC 242-04) related to the Growth Management Hearings Board per SHB 6214, adopted during the 2010 Regular Session of the Legislature. This CR-103E adopts these same emergency rules for another 120 days until the permanent rules can be adopted.

**Citation of existing rules affected by this order:**

Repealed:

Amended: WAC 242-02, WAC 242-04

Suspended:

**Statutory authority for adoption:** RCW 36.70A.270(7)

**Other authority :**

**EMERGENCY RULE**

Under RCW 34.05.350 the agency for good cause finds:

- ☐ That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- XX That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.
- XX That in order to implement the requirements or reductions in appropriations enacted in any budget for fiscal years 2009, 2010, or 2011, which necessitates the need for the immediate adoption, amendment, or repeal of a rule, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the fiscal needs or requirements of the agency.

Reasons for this finding: With the 2010 Regular Session, the Legislature adopted SHB 6214 which changed the existing structure of the Growth Management Hearings Board. Emergency rules were filed with the Code Reviser on May 11, 2010, with the 120 days expiring on September 8, 2010. The rules will not be able to be voted on to move them into a permanent status until after September 21; thus, continuation of the rules in their emergency status is needed in order to cover this interim time period.

**Date adopted:** September 1, 2010

**NAME (TYPE OR PRINT)**

James McNamara

**SIGNATURE**

**TITLE**

Chair, Rules Committee

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE:** September 01, 2010

**TIME:** 12:03 PM

**WSR 10-19-001**

(COMPLETE REVERSE SIDE)

**Note: If any category is left blank, it will be calculated as zero.  
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.  
A section may be counted in more than one category.**

**The number of sections adopted in order to comply with:**

<b>Federal statute:</b>	New	_____	Amended	_____	Repealed	_____
<b>Federal rules or standards:</b>	New	_____	Amended	_____	Repealed	_____
<b>Recently enacted state statutes:</b>	New	_____	Amended	_____	Repealed	_____

**The number of sections adopted at the request of a nongovernmental entity:**

New	_____	Amended	_____	Repealed	_____
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**The number of sections adopted in the agency's own initiative:**

New	_____	Amended	_____	Repealed	_____
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	_____	Amended	_____	Repealed	_____
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**The number of sections adopted using:**

<b>Negotiated rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Pilot rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Other alternative rule making:</b>	New	_____	Amended	_____	Repealed	_____